IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 3RD AUGUST 2007 / 12TH SRAVANA 1929

RPFC.No. 81 of 2002()

MC.268/2001 of FAMILY COURT, MANJERI
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REVISION PETITINOER/RESPONDENT:

CHEERANGAN ALI, S/O. MUHAMMED,
CHEERANGAN HOUSE, ARIPPOL, PUTHU P.O.,
MALAPPURAM DISTRICT.

BY ADV. SRI.K.M.SATHYANATHA MENON

RESPONDENTS: PETITIONERS:
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1. **KADIYAMU, D/O. KUNDIL KHADER,**
   KUNDIL HOUSE, KOTTUR, INDIANOOR P.O.,
   MALAPPURAM DISTRICT.

2. **MUSSIBA (MINOR) 8 YEARS.**

3. **MUHAMMED SHIHAB (MINOR) 6 YEARS.**

4. **MUHSINA (MINOR) 2 YEARS,**
   (MINORS REPRESENTED BY GUARDIAN MOTHER
   1ST RESPONDENT).

BY ADV. SRI.BABU S. NAIR

THIS REV.PETITION(FAMILY COURT) HAVING BEEN FINALLY HEARD ON 03 /08/2007 ,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

RP(FC) 81/2002

ORDER ON CRL.MP.8518/2002 IN RP(FC) 81/2002

DISMISSED

03.08.2007 **SD/- K.R.UDAYABHANU, JUDGE**

/TRUE COPY/

P.A. TO JUDGE

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K.R.UDAYABHANU, J

R.P.(FC).No.81 of 2002

Dated this the 3rd day of August, 2007

O R D E R

The revision petitioner is the respondent in M.C.No.268/01 filed by the first respondent herein/wife claiming maintenance for herself and three minor children.

2. The evidence adduced in the matter consisted of the testimony of PW1 and RW1. It is the case of the respondents that the petitioner is having a monthly salary of Rs.7,000/- from his job at Aryavaidyasala, Kottakkal. Further it is the version of the first respondent that she used to be ill treated by the revision petitioner demanding amounts from her parental home and that the brother of the revision petitioner used to threaten her that he would kill her if the amounts are not brought. It was in the above circumstances that she was forced to leave the house of the revision petitioner. It is contended by the counsel for the revision petitioner that he is suffering from bronchitis and that he is only a casual labourer getting only Rs.100/- per day.

3. I find that the revision petitioner has not adduced any

objective evidence to establish the fact that he is getting only Rs.100/- per day as wages or as to the fact that he is a chronic bronchitis patient. It was in the above circumstances that the Family court directed of the petitioner to pay maintenance at the rate of Rs.500/- to the first petitioner and Rs.400/- each to the second, third and fourth petitioners. I find that the amounts cannot be said to be excessive or exorbitant. In the light of the above evidence adduced in the matter, I find that it cannot be held that the court below has erred in ordering maintenance at the above rates. I find that there is nothing to interfere in the finding of the court below.

The revision petition is dismissed.

K.R.UDAYABHANU,
JUDGE

csl